

Serial No. 09/963,530
Docket No.: NEC-469-US
IGA.023

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REMARKS

Applicants concurrently file herewith an Excess Claim Fee Payment Letter, and corresponding excess claim fee, for two (2) excess independent claims.

Claims 1, 3, 4, 24 and 27-33 are all of the claims pending in the application. Claims 1, 3, 4 and 33 have been amended to place the application in condition for immediate allowance.

Entry of this Amendment is believed proper since no new issues are being presented to the Examiner, which would require further consideration and/or search. Indeed, claims 3, 4 and 33 have been merely rewritten in allowable form. Additionally, claim 1 has been amended to incorporate the subject matter of previously presented claim 3.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claims 3 and 4 would be allowable if rewritten in independent form and that claims 24 and 27-31 are allowed. Applicants submit, however, that all of claims 1-4, 6-8, 22-24 and 27-33 are allowable over the cited prior art references.

That is, Applicants respectfully submit that JP '462 does not teach or suggest a secondary battery "*wherein an active material of one of said positive electrode and said negative electrode, which does not comprise said compound having boron radicals, comprises one of a transition metal oxide, a compound having a sulfur-sulfur bond and a conductive polymer compound*", as recited by claim 1.

However, merely in an effort to speed prosecution, Applicants have rewritten allowable claims 3, 4 and 33 in independent form and have canceled claims 2, 6-8, 22 and 23 to place the Application in condition for immediate allowance.

In view of the foregoing, Applicants submit that claims 1, 3, 4, 24 and 27-33, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above

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application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: November 14, 2005



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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 1746, at
(571) 273-8300, on November 10, 2005.

Respectfully Submitted,



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Date: November 14, 2005

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